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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 LONNIE DAWSON,

12 Petitioner,

13 v.

14 PARR,

15 Respondent.
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Case No. 1:19-cv-00293-JDP

ORDER TRANSFERRING THE CASE TO
THE SOUTHERN DISTRICT OF WEST
VIRGINIA

ECF No. 1

17 Petitioner Lonnie Dawson, a federal prisoner proceeding without counsel, seeks a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Petitioner was convicted and sentenced
19 in the United States District Court for the Eastern District of Pennsylvania. Petitioner was
20 formerly incarcerated in this district. On September 16, 2019, petitioner gave notice to this court
21 that he was transferred to the Federal Correctional Institute in Beckley, West Virginia.
22 ECF No. 7.

23 Jurisdiction in a § 2241 petition is proper in the district that has jurisdiction over the
24 petitioner's custodian. *See Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 495 (1973);
25 *Harrison v. Ollison*, 519 F.3d 952, 956 (9th Cir. 2008); *Brittingham v. United States*, 982 F.2d
26 378, 379 (9th Cir. 1992) (per curiam) (the proper district court for a § 2241 petition is the one
27 with jurisdiction over the warden of the facility where petitioner is confined). If the petition is
28

1 filed in the wrong district, the court may transfer the petition to the proper district pursuant to
2 28 U.S.C. § 1631 “if it is in the interest of justice.” *See Miller v. Hambrick*, 905 F.2d 259, 262
3 (9th Cir. 1990).

4 Here, petitioner has filed his initial petition and an application to proceed *in forma*
5 *pauperis*. This court has not yet screened the petition, ordered the defendant to respond, or issued
6 any substantive orders or opinions. This court has no jurisdiction over petitioner’s current
7 custodian in West Virginia. Considering the early stage of this case and the long distance
8 between this court and petitioner’s place of confinement, I find it is in the interests of justice to
9 transfer this case to the Southern District of West Virginia.

10 Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper
11 court may, on the court’s own motion, be transferred to the proper court. Therefore, this action
12 will be transferred to Southern District of West Virginia.

13 **Order**

14 Accordingly,

- 15 1. The case is transferred to the United States District Court for the Southern District
16 of West Virginia.
- 17 2. All future filings shall refer to the new case number assigned and shall be filed at:

18
19 United States District Court
20 Southern District of West Virginia
21 Robert C. Byrd United States Courthouse
300 Virginia Street, East, Suite 2400
Charleston, WV 25301

22 IT IS SO ORDERED.

23
24 Dated: December 24, 2019


UNITED STATES MAGISTRATE JUDGE

25
26 No. 206.
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